

REMARKS

Applicants would like to thank the Examiner for taking the time to meet and to discuss the claims and the cited references. Claims 104-112 and 121-126 are pending in the application. This Amendment is in response to the final Office action dated April 6, 2005 and accompanies a Request for Continued Examination (RCE) filed under 37 C.F.R. §1.114 and a petition for a three month's extension of time to October 6, 2005. The final Office action rejected claims 104, 121, and 125 under 35 U.S.C. §112 second paragraph and claims 104-112 and 121-126 as being unpatentable under 35 U.S.C. §103(a) over Fredlund et al. ("Fredlund") (U.S. Patent No. 5,666,215) in view of Morris et al. ("Morris") (U.S. Patent No. 5,153,936). The applicants respond as follows.

SECTION 112 REJECTIONS

It is alleged on page 2 of the final Office action that claims 104, 121 and 125 are vague, confusing and unclear. While the applicants believe that claims 104, 121 and 125 fully meet the requirements of 35 U.S.C. §112 second paragraph, in the interest of expediting prosecution, applicants have reformatted claims 104, 121 and 125 to address the Examiner's concern. Specifically, and as agreed to in the interview with the Examiner on September 19, 2005, these claims have been reformatted to add punctuation and indentations to improve their clarity. Applicants respectfully assert that these format changes are strictly to the form of the claims and do not narrow the claims in any manner.

A question is asked on page 2 of the final Office action regarding claim 121 whether "applicants mean 'an authorized user identified by the first image provider...?'". The applicants respectfully state that the intended meaning is as recited, that is, "authorized users identified by the first image provider." The Examiner's proposed meaning could be construed as incorrectly limiting the ability of the first image provider to identify only a single authorized user.

For at least the reasons stated above, the applicants believe that claims 104, 125 and 126 meet the requirements of 35 U.S.C. §112 and that the rejections should be withdrawn.

The Interview Summary prepared by the Examiner correctly notes that an agreement was reached with the attorneys for the applicants relative to the patentability of the pending claims. Furthermore, the Interview Summary correctly observed that Fredlund

discloses a particular mail order system that does not include the sharing capability of the system recited in the pending claims. Specifically, Fredlund does not disclose or suggest providing an image provider with the ability to identify an authorized user, in addition to the image provider, who is capable of accessing digital images supplied by the image provider. It was also agreed that Morris also does not disclose or suggest a system as recited in the pending claims.

The Interview Summary also correctly stated that Fredlund and Morris do not teach or suggest notifying users authorized by the image provider that those authorized users have been authorized to access the image(s). As the Examiner noted, one such method recited in several of the pending claims is the transmission of at least a portion of a pathname associated with a low resolution copy.

While several other issues were raised by the Examiner in the final Office action, applicants understand that the Examiner has now acknowledged the patentability of the claims. In any event, applicants have previously responded to these issues in previous amendments submitted to the Patent Office and, in light of the Examiner's indication of allowance, applicants do not repeat those responses here other than to incorporate them by reference. In view of the foregoing, all of the claims are allowable over the cited references, and passage to allowance is respectfully requested. As previously stated, the amendments to the claims are made for clarification purposes. None of the claims have been narrowed for reasons related to patentability.

The Examiner is respectfully requested to pass this application to issue. If the Examiner wishes to discuss any aspect of this response or the case in general, she is urged to contact the applicants' undersigned attorney. Should any additional fees be required, the Commissioner is authorized to charge or debit Deposit Account No. 13-2855.

Dated: October 6, 2005

Respectfully submitted,

By 

Anthony G. Sitko

Registration No.: 36,278
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, 6300 Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorneys for Applicant